

# State of South Dakota

SEVENTY-SECOND SESSION  
LEGISLATIVE ASSEMBLY, 1997

516A0468

## HOUSE BILL NO. 1229

Introduced by: Representatives Chicoine, Broderick, Brown (Jarvis), Davis, Lockner, Lucas, Moore, and Waltman and Senators Hunhoff, Hutmacher, Kloucek, and Reedy

1 FOR AN ACT ENTITLED, An Act to make certain swine operations subject to certain  
2 environmental fees.

3 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF SOUTH DAKOTA:

4 Section 1. That chapter 34A-2 be amended by adding thereto a NEW SECTION to read as  
5 follows:

6 In addition to any other fee or tax levied by law, and notwithstanding the provisions of  
7 § 34A-2-117, the Department of Environment and Natural Resources may impose an annual fee  
8 on the breeding, farrowing, feeding, or raising of swine in this state as provided in this Act. The  
9 fee may not exceed five hundred dollars per year and shall be paid by any swine operation that  
10 is operating under a general permit issued by any agency of the State of South Dakota. For  
11 purposes of this Act, a swine operation includes an individual, corporation, or cooperative that  
12 owns swine or is engaged, directly or on a contract basis, in the breeding, farrowing, feeding, or  
13 raising of swine in this state. The fee shall be sufficient to offset the costs of administering and  
14 enforcing any general permit under which the swine operation operates. Payment of the fee does  
15 not relieve any person or entity of any liability for other financial assurances, fees, or penalties

1 that may be assessed by law. The Department of Environment and Natural Resources shall  
2 promulgate rules pursuant to chapter 1-26 to establish the amount of the fees and the method  
3 and requirements for the payment of the fees. The fees shall be deposited in the environmental  
4 fee fund and are continuously appropriated for the purposes provided in this Act.